

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 3:18-cv-1908
)	
Plaintiff,)	
)	
v.)	
)	
GREGORY J. GERBER, M.D.,)	<u>TEMPORARY RESTRAINING ORDER</u>
)	
and)	
)	FILED TEMPORARILY UNDER SEAL
GREGORY J. GERBER, MD LLC,)	
)	
)	
Defendants.)	

Before me is Plaintiff's *Ex Parte* Motion for a Temporary Restraining Order ("*Ex Parte* Motion"). Upon consideration of the *Ex Parte* Motion pursuant to Federal Rule of Civil Procedure 65(b), 21 U.S.C. §§ 843(f) and 882(a), the Memorandum of Law in Support, the Affidavits in Support, and the Complaint, I find that:

1. The United States has demonstrated that Defendant Gregory J. Gerber, M.D., ("Dr. Gerber") violated the Controlled Substances Act ("CSA"), 21 U.S.C. §§ 829 and 842(a)(1);

2. The United States also has demonstrated that advance notice to Dr. Gerber will result in immediate and irreparable injury, loss, or damage, namely: (a) harm to Dr. Gerber's patients and the community from Dr. Gerber's continued issuance of unlawful prescriptions and (b) the destruction of evidence, including patient files and communications, related to Dr. Gerber's CSA violations;

3. Injunctive relief to prevent further CSA violations by Dr. Gerber and to protect the public is authorized by 21 U.S.C. §§ 843(f) and 882(a).

4. Dr. Gerber's CSA violations will continue unless a temporary restraining order is issued.

5. The conditions for granting a temporary restraining order under Federal Rule of Civil Procedure 65(b) and 21 U.S.C. §§ 843(f) and 882(a) are therefore met;

Based on the foregoing, it is therefore

ORDERED AND ADJUDGED as follows:

A. The Motion is **GRANTED** without prior notice to Dr. Gerber. Pursuant to Federal Rule 65(b)(2), this Temporary Restraining Order was issued on August 20, 2018, at 3:30 p.m., and shall expire on September 3, 2018.

B. Dr. Gerber is temporarily restrained from prescribing any and all controlled substances listed under the CSA in schedule II (21 C.F.R. § 1308.12), III (21 C.F.R. § 1308.13), or IV (21 C.F.R. § 1308.14).

C. Dr. Gerber is temporarily restrained from altering, deleting, destroying, mutilating, or transferring any record within his possession, custody or control related to: (1) the issuance of a prescription for a controlled substance listed in schedule II, III, or IV; or (2) to the treatment of a patient with a controlled substance listed in schedule II, III, or IV.

D. This matter is set for a preliminary injunction hearing before me on August 30, 2018, at 1:00 p.m.

E. Further, the Motion of the United States to File under Seal, (Doc. No. 2), is granted. The seal will expire when the search warrants are executed, and Counsel shall notify the Clerk's Office when the search warrants have in fact been executed.

Dated: August 20, 2018

s/ Jeffrey J. Helmick

United States District Judge